Simon v. Adzilla, Inc [New Media] et al Doc. 158 Att. 2

EXHIBIT A

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11923-DPW

CONNECTU LLC	.	
Plaintiff	.	
	.	
V.	.	
	.	**BOSTON, MASSACHUSETTS**
MARK ZUCKERBERG, et al	.	**OCTOBER 25, 2006**
Defendants	.	

. . . .

TRANSCRIPT OF EVIDENTIARY HEARING (DAY 2)
BEFORE THE HONORABLE ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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Proceedings recorded by digital sound recording, transcript produced by transcription service.

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I N D E X

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
Divya Koomar Narendra	4	36, 75	77	93

EXHIBITS	DESCRIPTION	IDENT.	IN EVID.
Plaintiff’s:			
47	2004 Tax Return		34
Defendants’:			
78	Interrogatory Responses		44
71	Form Interrogatories		55
29	Press Release		61
75	Request for Admissions	98	

A   Yes.
Q   Thank you. Now your expectation was that you would gain somehow if the ConnectU project was successful, right?
A   That's right.
Q   And that you would get what you deserved with respect to the ConnectU website, right?
A   That's right.
MR. CHATTERJEE: No further questions, Your Honor. I pass the witness.
THE COURT: All right. We'll take a recess till 11.
THE CLERK: All rise.
(RECESS)
THE CLERK: All rise. Court is back in session.
THE COURT: All right, you may be seated. Cross-examination?
MR. HAMPTON: Thank you, Your Honor. I will be very brief.
THE COURT: You may proceed.
BY MR. HAMPTON:
Q   Good morning, Mr. Narendra.
A   Good morning.
Q   We've met before at your depositions; is that right?
A   That's right.
Q   And you understand I'm Dan Hampton and I represent in the case Eduardo Saverin.

A   That’s correct.
Q   Mr. Narendra, if Mr. Chatterjee’s client, TheFaceBook, went back to California tomorrow and sued you again personally for accessing TheFaceBook website in July of 2004, you’d go right back to the California court and tell them again that when you did that you were acting in your capacity as a member of ConnectU LLC, wouldn’t you?
A   Yes.
Q   And so, Mr. Narendra, what you’re suggesting is that for the purposes of the California lawsuit – that’s because of the operating agreement, am I right about that? That’s the reason why you can tell the California court that you were a member of ConnectU LLC in July of 2004 or were you actually a member in July of 2004?
A   I became a member when I signed that agreement.
Q   All right. So it’s the retroactive nature of the agreement that allows you to go to the California court and tell them that in July of 2004 you were a member of ConnectU LLC?
A   That’s right.
Q   And so what you’re suggesting here today is that the retroactive nature of the operating agreement, that’s good for the California case where you get the benefit of getting out as a personal defendant but that’s not what the court should do here. You weren’t really a member on September 2nd of 2004 when

this case was filed?

A   I was not a member September 2, 2004 when - or on September 2, 2004 I was not a member.

MR. HAMPTON: No further questions.

THE COURT: Mr. Hornick, any redirect?

MR. HORNICK: Yes, just a few questions, Your Honor.

REDIRECT EXAMINATION

BY MR. HORNICK:

Q   Do you recall testifying earlier that up until the time that ConnectU LLC was formed you and Cameron and Tyler had contributed roughly equally to the Harvard Connection website?

A   That's right.

Q   All right. Now when ConnectU LLC was created was it your intent to continue the same arrangement the three of you had with Harvard Connection into ConnectU LLC?

MR. CHATTERJEE: Your Honor, asked and answered and outside the scope of the cross.

THE WITNESS: Can you repeat the question?

THE HORNICK: Yes.

THE COURT: Well, repeat the question.

THE WITNESS: Oh, sorry.

THE COURT: I'm sorry.

MR. HORNICK: Yes.

BY MR. HORNICK:

Q   When ConnectU LLC was created, was it your intention to

CERTIFICATION

I, Maryann V. Young, court approved transcriber, certify that the foregoing is a correct transcript from the official digital sound recording of the proceedings in the above-entitled matter.

__________________________ November 17, 2006

Maryann V. Young